



# **Alternative Fuel Infrastructure Funding Opportunities**

**For New and Expanded Refueling Facilities in the South Coast  
Air Quality Management District**

**Program Announcement**

**PA2015-12**

**May 1, 2015**

## SECTION 1 - INTRODUCTION

The Mobile Source Air Pollution Reduction Review Committee (MSRC) is pleased to announce the availability of **Clean Transportation Funding™** to assist in the construction of Alternative Fuel Refueling Infrastructure within the South Coast Air Quality Management District (SCAQMD).

This funding opportunity has at its core the following goals and objectives:

- Offer funding opportunities to *most*, if not all, entities interested in pursuing alternative fuel infrastructure projects, including public and private site owners, fleet owners, infrastructure providers, fuel providers, and school districts;
- Provide incentives for the construction or expansion of alternative fuel refueling stations;
- Offer incentives to fleets to upgrade their existing vehicle maintenance facilities to accommodate indoor maintenance of gaseous-fuel vehicles;
- Support fleets purchasing alternative fuel vehicles in compliance with the SCAQMD Fleet Rules, or pursuing vehicle incentives under the SCAQMD Carl Moyer Program.

To reduce the need to photocopy, package, and physically submit paper applications, the 2015 Edition of the Alternative Fuel Infrastructure Program ***requires that applications be submitted electronically in PDF format using the MSRC Website.*** We believe this benefits the applicant, the MSRC staff, and the environment. A tutorial has been developed to walk applicants step by step through the electronic application submittal process. This tutorial is available on the MSRC Website at [www.CleanTransportationFunding.org](http://www.CleanTransportationFunding.org). Look for the tutorial button on the right hand side of the Home Page – “Proposal Upload Tutorial”.

The following Sections describe requirements for participation, guidelines for application preparation, as well as maximum incentive levels available as a function of the type of refueling infrastructure proposed and type of entity requesting funding assistance. The Alternative Fuel Infrastructure Program is not a competition in the traditional sense. Funding will be distributed on a first-come, first-served basis to applicants that satisfy specified project requirements. However, as funding is limited, the availability of funds cannot be guaranteed.

MSRC staff members are available to answer questions and provide technical and programmatic guidance as appropriate during the entire application preparation period. Please refer to Section 6 of this document for a list of MSRC Staff contacts.

## SECTION 2 - PARTICIPATION GUIDELINES

The following guidelines, requirements, and conditions have been established and apply to all applicants:

1. **Funding Availability** - The amount of MSRC Clean Transportation Funding™ allocated for the Alternative Fuel Infrastructure Program is \$5,000,000.

Please note that this funding level is a targeted amount – should meritorious projects be received totaling greater than the current funding allocation of \$5,000,000, the MSRC reserves the right to increase the amount of total funding available. Also, should the MSRC receive applications with total requests less than the amount allocated, or if proposals are deemed non-meritorious, the MSRC reserves the right to reduce the total funding available and reallocate funds to other Work Program categories. The MSRC also reserves the right to not fund any of the applications received, irrespective of the merits of the applications submitted.

***For the purpose of this Program, all qualified project applications received electronically on or before 11:59 p.m. on the first day of the Application Acceptance Period, May 1, 2015, will be deemed received at the same time.*** In the event the Program is oversubscribed following receipt of first-day applications, an across-the-board pro-rating factor will be determined so that all qualified project applications will receive the same percentage of the award to which they would otherwise have been entitled pursuant to the Program terms. Please note that the Geographic Funding Minimums discussed in paragraph 2, below, will take precedence in the event funding must be pro-rated. ***Qualifying applications received after 11:59 p.m. on May 1, 2015 will be funded in the order of receipt.***

Please note that the source of MSRC Clean Transportation Funding™ for projects submitted in response to this solicitation is motor vehicle registration fees collected by the California Department of Motor Vehicles (DMV) in accordance with the California Health and Safety Code. Thus, the availability of MSRC Clean Transportation Funding™ is contingent upon the timely receipt of funds from the DMV. Neither the MSRC nor SCAQMD can guarantee the collection or remittance of registration fees by the DMV.

2. **Geographical Funding Minimum** - The MSRC has established a Geographical Funding Minimum for each county within the SCAQMD. The geographical funding minimum amount has been set at \$500,000 per county. This funding set-aside guarantees a minimum level of funding for each county to implement alternative fuel infrastructure projects. At the end of the application submittal period, July 29, 2016, if any county has funds remaining in its geographical minimum, these funds will be made available to qualifying projects from any other county in order of receipt.
3. **Eligible Applicants** – Most entities interested in implementing alternative fuel refueling station projects within the SCAQMD jurisdiction are welcome to participate in the Program. Eligible applicants include, but are not necessarily restricted to:
  - Infrastructure developers and alternative fuel providers;
  - Fleet operators, both public and private, including fleets participating in the SCAQMD Carl Moyer Program;
  - School districts seeking assistance for compressed natural gas refueling station development;
  - Project teaming by multiple stakeholders, such as real property owners working in partnership with infrastructure providers or fleet operators, joint powers authorities, limited liability partnerships, etc.,

are eligible to participate. The MSRC does require, however, that a single prime contractor and contract signatory be designated at the time of application submission. ***Please note: except as discussed under Compression Services Tariff below, the MSRC also requires the applicant to be the entity that will own the fueling equipment;***

4. **Eligible Alternative Fuels** – In order to tie MSRC funding to fuels that have the most commercially available vehicle and engine products, the following alternative fuels are allowable under this Program:
  - Compressed Natural Gas (CNG);
  - Renewable Biogas (methane);
  - Liquefied Natural Gas (LNG);
  - Liquefied/Compressed Natural Gas (L/CNG);
5. **Maximum Total Funding Per Entity** – To ensure broad-based participation, the MSRC has established the following maximum funding parameters:
  - The maximum total funding award to any public or private entity under this solicitation shall not exceed 20% of the total Available Funding. This maximum funding restriction can be waived by the MSRC in the event the MSRC does not receive meritorious Applications from other bidders that meet or exceed 80% of the total available funds, or if the MSRC allocates additional funds to the program. The MSRC reserves the right to determine which projects, if any, are deemed meritorious and warrant a Clean Transportation Funding™ award; and
  - The total of the MSRC funding award cannot exceed 50% of the Total Project Cost.
6. **Signage Requirements** – Publicly accessible refueling stations that receive an award must have motorist directional signage installed in proximity to the refueling station. This includes identification signs in immediate proximity to the refueling station and directional “trailblazer” signs on major streets and arterials in proximity to the refueling station. The installation of freeway signs is not required. The cost of sign procurement, permitting, and installation may be included as a station capital cost element.
7. **Federal Tax Credits** – Entities that sell, compress and/or dispense alternative fuels may be eligible for a Federal Tax Credit. To promote the use of alternative fuel, the MSRC believes it is appropriate that any Federal Tax credit ultimately reduce the price of fuel dispensed. Therefore, commercial entities seeking MSRC funding, whose primary business is the construction of refueling stations and/or sale of fuel, must disclose how potential Federal Tax Credits are accounted for when developing station cost construction cost estimates and fuel pricing. Please refer to Attachment G.
8. **Funding Restrictions** – MSRC funds cannot be used to fund the following project elements:
  - Alternative fuel refueling station maintenance or operations costs, including utility costs, or fuel purchase costs;
  - Purchase or lease of real property.
9. **Conflict of Interest** - Address possible conflicts of interest with other clients affected by actions performed by the firm on behalf of the MSRC. Although the applicant will not be automatically disqualified by reason

of work performed for such firms, the MSRC reserves the right to consider the nature and extent of such work in evaluating the application.

**10. Certifications** – All applicants must complete and submit the following Attachment H forms as an element of their Application (unless specifically exempted below):

- Internal Revenue Service Form W-9 – Request for Taxpayer Identification Number and Certification, and Franchise Tax Board Form 590 – Withholding Exemption Certificate. If you are selected for an award, you cannot be established as a vendor without this information.
- Campaign Contributions Disclosure. This information must be provided at the time of application in accordance with California law. You may be asked for an update when awards are considered.
- Disadvantaged Business Certification. The SCAQMD needs this information for their vendor database. IT WILL NOT BE CONSIDERED IN THE DETERMINATION OF YOUR MSRC AWARD. Governmental entities do not need to complete this form.

**11. Earliest Date for an MSRC-Funded Project to Commence** – The release date of this Program Announcement, May 1, 2015, is the earliest date work on a project can commence and be potentially eligible for MSRC Alternative Fuel Infrastructure Funding. Any expenditures made in anticipation of an award and prior to execution of a contract are solely at the proposer's risk. If no contract is executed, neither the MSRC nor South Coast AQMD are liable for payment of any funds expended in anticipation of a contract. Please note that in the event a contract is executed, reimbursement for any costs incurred by the proposer in anticipation of the contract is at the discretion of the MSRC and SCAQMD.

**12. Project Implementation Schedules** - Applicants are expected to provide a realistic project implementation schedule as an element of their application. In order to ensure that MSRC funds are awarded to projects which are ready to proceed, the following requirements apply:

- All stations are expected to be operational within 24 months of contract execution. If a prospective applicant does not expect completion within this time frame, they should consider awaiting future funding opportunities.
- In the event an application is awarded MSRC funds, the project implementation schedule will become an element of the contract.
- Once a proposed contract is sent to the applicant for execution, the applicant must negotiate any requested changes and sign and return the contract within six months, or contract negotiations will terminate and the award will be returned to the Discretionary Fund.
- In the event a contractor is unable to meet project milestones and requires additional time, the MSRC reserves the right to administratively authorize a one-time extension to the period of performance, not to exceed an additional one (1) year. Beyond one year, additional extensions to the contract period of performance may only be granted if, at the discretion of the MSRC, there is adequate justification and the project would provide sufficiently large benefit to offset the delay.

**13. Additional Conditions on MSRC Funding**

- MSRC funds will be distributed on a reimbursement basis only upon completion of approved project tasks and submission of all required reports and invoices.

- Recipients of MSRC **Clean Transportation Funding™** must guarantee that projects implemented under this Program will remain operational and in the approved location for a period of no less than five (5) years from the date the project is fully implemented. For the purpose of refueling station construction, “fully implemented” is defined as the date the refueling station initiates fueling operations;
- Infrastructure projects funded under this Program Announcement are not eligible to receive additional funds under any other current MSRC Work Program solicitation;
- Infrastructure projects that received MSRC **Clean Transportation Funding™** under a previous award are not eligible to seek additional funding for the same project;
- MSRC funds are not intended to fund staff salaries or administrative costs. Reasonable project management costs necessary to implement infrastructure projects are allowable; however, the MSRC reserves the right to reduce or delete program management costs that appear excessive;
- All projects must include a media and community outreach component. Acceptable outreach strategies may include, but are not limited to, a Grand Opening/project kickoff event, press releases, or press conference to highlight the project’s accomplishments;
- Finally, in accordance with state law, all projects awarded MSRC **Clean Transportation Funding™** are subject to audit. It is highly recommended that bidders employ government acceptable standard accounting practices when administering their MSRC co-funded project.

### SECTION 3 – PROJECT ELIGIBILITY AND INCENTIVE LEVELS

**Project Eligibility** - The MSRC Alternative Fuel Infrastructure Program offers incentives for a range of infrastructure types, including fast-fill stations, slow or time-fill stations, and limited-fill refueling apparatus. The expansion of existing operational stations to accommodate growing throughput needs is also eligible, **except** that commercial entities whose business is the construction, operation, maintenance, or sale of fuel are not eligible to seek funding for the expansion of their own stations, as these entities have an economic interest in keeping their own stations in an operable condition with sufficient throughput capacity.

**Projects must use new refueling station components** - The relocation of existing alternative fuel refueling stations, or the reuse of components or equipment from existing stations, is prohibited. Furthermore, exclusively private-access stations are not eligible for funding under this Program Announcement—see Limited Access definition, below. Applications must identify at least one anchor fleet to use the station, and indicate the base number of vehicles committed to fuel at the station and/or the base throughput from that fleet. Applications for station upgrades must provide documentation that the proposed project will result in increased station utilization and increased alternative fuel throughput.

**Maximum Incentive Levels** – The maximum “per facility” incentive awards under the MSRC’s Alternative Fuel Infrastructure Program are shown in Table 3-1. In no case shall the MSRC funding award exceed 50% of the combined cost of the facility capital equipment, site construction, signage, and reasonable project management costs. The incentive levels also vary as a function of the type of refueling infrastructure proposed and type of entity requesting funding assistance. The following funding maximums apply for new and expansion refueling station projects and fleet vehicle maintenance facility modification projects:

Table 3-1: Maximum “Per Facility” MSRC Funding Levels

Entity	Fuels	Limited Access	Full Access	Maintenance Facility Modifications
Private	Single Fuel	\$100,000	\$150,000	\$75,000
	L/CNG	\$150,000	\$200,000	\$75,000
Public	Single Fuel	\$175,000	\$225,000	\$75,000
	L/CNG	\$225,000	\$275,000	\$75,000

For purposes of this Program Announcement, the following definitions apply:

- **Private Entity** – An applicant which is not a Public Entity as defined below.
- **Public Entity** – A government agency of any level, including but not limited to: municipal, county, State, Federal, special districts, and school districts.
- **Full Access** – A “Full Access” station is:
  - Open 24 hours per day, 7 days per week to any user;
  - Equipped with a universal card reader system which accepts Visa, MasterCard, and/or American Express, at a minimum; and
  - Has capacity to dispense at least 3 gasoline gallon equivalents (GGE) per minute.
- **Limited Access** – A Limited Access station does not meet one or more of the Full Public Access criteria above. However, the station owner must attest to their willingness to make arrangements for at least one other fleet to use the station, if approached by an interested fleet. The “other fleet” must be a separate legal entity from the station owner. The owner of a Limited Access station may place reasonable restrictions on the “other fleet’s” hours of access, etc.
- **L/CNG** – Station offers both CNG and LNG fuels.
- **Maintenance Facility Modifications** - In addition to refueling stations, MSRC Clean Transportation Funding™ is available for the modification of existing facilities used for vehicle maintenance and repair. Allowable facility modifications include, but are not necessarily limited to, the following:
  - Installation of building methane detection sensors;
  - Electrical shielding;
  - Heater element explosion proofing;
  - Gas evacuation and ventilation upgrades.

MSRC Clean Transportation Funding™ levels for maintenance facility modifications are capped at a maximum of 50% of the project costs, not to exceed a maximum of \$75,000 per facility.

- **Compression Services Tariff** - The Southern California Gas Company Compression Services Tariff (CST) is an optional utility service offered to non-residential SoCalGas customers that allows SoCalGas to procure, construct, own, operate and maintain compression equipment on customer premises. SoCalGas customers taking service under CST can be eligible to receive a funding incentive on the

compression equipment, in an amount not to exceed 25% of the CST pricing and not to exceed five years' duration. CNG fueling dispensers (not integrated with a gas compressor/skid package), card readers, and other retailing/dispensing equipment which will be owned by applicant can still receive an incentive up to 50% of the combined cost of the capital equipment, site construction, signage, and reasonable project management costs.

Project applications that do not reasonably fit within the Eligible Project Categories outlined above will not be approved and will not be eligible to receive MSRC Clean Transportation Funding™. The MSRC retains sole discretion when determining project eligibility.

#### SECTION 4 - SCHEDULE OF EVENTS

The Alternative Fuel Infrastructure Program will be conducted in accordance with the timeline shown in Table 4-1, below. Project applications may be submitted at any time during the period commencing May 1, 2015 and ending July 29, 2016. *Please note that applications must be received no later than 11:59 p.m. on July 29, 2016. All applications must be submitted electronically through the MSRC Clean Transportation Funding Website. Late applications will not be evaluated and will not be eligible for MSRC funding.*

Table 4-1 - Key Alternative Fuel Infrastructure Program Dates

Program Event	Date
Program Announcement Release	May 1, 2015
Application Submittal Period	May 1, 2015 – July 29, 2016
Latest Date/Time for Application Submittal	July 29, 2016 @ 11:59 p.m.
Application Evaluation & Award Consideration	First-come, first-served (geographic funding minimums apply)

#### SECTION 5 - APPLICATION PREPARATION & ELECTRONIC SUBMITTAL INSTRUCTIONS

A Project Application must be completed and electronically submitted under this Program. As stated in the Introduction, only applications deemed complete will be evaluated and considered for a funding award. Applications must be prepared and submitted in accordance with the instructions outlined below.

1. **Application Preparation** – The following information must be included in all Applications seeking MSRC Clean Transportation Funding™ under the Alternative Fuel Infrastructure Program:
  - a) **Cover letter** - Transmittal of the Application must be accompanied by a cover letter. The letter should also provide the name, telephone and fax numbers, and e-mail address of the contact person(s) for technical and contractual matters, and be signed by the person(s) authorized to contractually bind the applying entity.



For joint Applications, the Proposer must include a statement confirming authorization to act on behalf of the other co-Proposers. The Proposer must include a letter of support, including contact name and telephone/fax number, from all proposing entities of a joint Application.

- b) **Attachments A-H** - Applications must include the following completed Attachments, including all required supporting documentation as requested. Application Templates and Instructions are included in Section 8 of this Request for Proposals; see page 13:

- Attachment A: Proposer Information
- Attachment B: Project Description & Technical Specifications
- Attachment C: Project Cost Breakdown
- Attachment D: Project Implementation Schedule
- Attachment E: Memorandum of Understanding/Memorandum of Agreement
- Attachment F: Utilization Estimates/Letters of Commitment
- Attachment G: Federal Tax Credit Accounting
- Attachment H: Certifications (W-9, 590, DBE, Campaign Contribution Disclosure)

## 2. Electronic application submittal process

In an effort to reduce the need to photocopy, package, and physically submit paper applications, the 2013 Alternative Fuel Infrastructure Program requires that applications be submitted electronically in PDF format using the MSRC Website. We believe this benefits the applicant, the MSRC staff, and the environment. As the online submittal process is a “new way of doing business” for both the MSRC and the project applicant, a tutorial has been developed to walk applicants step by step through the electronic application submittal process.

The application that will be submitted as a **PDF document** is comprised of Nine (9) primary sections – these correspond to the Cover Letter and application Attachments A-H as described in the preceding section.

Thus, a complete application will be comprised of the following nine elements:

1. Signed Cover Letter;
2. Attachment A: Proposer Information
3. Attachment B: Project Description & Technical Specifications
4. Attachment C: Project Cost Breakdown
5. Attachment D: Project Implementation Schedule
6. Attachment E: Memorandum of Understanding/Memorandum of Agreement
7. Attachment F: Utilization Estimates/Letters of Commitment
8. Attachment G: Federal Tax Credit Accounting
9. Attachment H: Certifications
  - a. W-9 Form

- b. Form 590
- c. Disadvantaged Business Certification Form
- d. Campaign Contribution Disclosure Form

These nine sections, including Attachment H certifications, are to be compiled into a **single PDF document** for submittal to the MSRC Clean Transportation Funding Website. ***Please note that ONLY PDF format can be accepted. Microsoft Word documents cannot be accepted by the MSRC Website.*** Applicants will need to register on the MSRC Clean Transportation Funding website.

The application submittal tutorial is available at

[www.cleantransportationfunding.org/proposal\\_process/upload\\_proposal](http://www.cleantransportationfunding.org/proposal_process/upload_proposal).

***Please note that the latest date and time to submit an application is July 29, 2016 at 11:59 pm!***

- 3. **Addenda** – The Mobile Source Air Pollution Reduction Review Committee may modify the Program Announcement and/or issue supplementary information or guidelines relating to the Program Announcement during the Application preparation and acceptance period of May 1, 2015 to July 29, 2016. Amendments will be posted on the MSRC website at [www.CleanTransportationFunding.org](http://www.CleanTransportationFunding.org).
- 4. **Application Modifications** - Once submitted, Applications cannot be altered without the prior written consent of the Mobile Source Air Pollution Reduction Review Committee.
- 5. **Certificates of Insurance** - Proposers are required to provide a statement that upon notification of award, a certificate(s) of insurance naming the SCAQMD as an additional insured will be provided within forty-five (45) days. Entities that are self-insured are required to provide a statement to that effect in their application.

## **SECTION 6 - IF YOU NEED HELP...**

This Program Announcement can be obtained by accessing the MSRC web site at [www.CleanTransportationFunding.org](http://www.CleanTransportationFunding.org). MSRC staff members are available to answer questions during the Application acceptance period. In order to help expedite assistance, please direct your inquiries to the applicable staff person, as follows:

- For **General and Administrative Assistance**, please contact:  
Cynthia Ravenstein  
MSRC Contracts Administrator  
Phone: 909-396-3269  
E-mail: [Cynthia@cleantransportationfunding.org](mailto:Cynthia@cleantransportationfunding.org)
- For **Technical Assistance**, please contact:  
Ray Gorski  
MSRC Technical Advisor  
Phone: 909-396-2479  
E-mail: [Ray@cleantransportationfunding.org](mailto:Ray@cleantransportationfunding.org)

- For **Contractual Assistance**, please contact:

Dean Hughbanks

SCAQMD Procurement Manager

Phone: 909-396-2808

E-mail: [dhughbanks@aqmd.gov](mailto:dhughbanks@aqmd.gov)

## **SECTION 7- APPLICATION EVALUATION AND APPROVAL PROCESS**

Applications will be evaluated as they are received to determine compliance with all mandatory requirements. Applications that do not comply with the stipulated requirements will be returned to the project applicant for revision and resubmission. Any returned applications will lose their original submittal date and, if resubmitted, will be issued a new date upon receipt by the MSRC for purposes of disbursing funds on a first-come, first-served basis.

If an application is for a Public Works project as defined by State of California Labor Code Section 1720, Applicant may be required to include Contractor Registration Number in Attachment A. Application will be deemed as non-responsive and applicant may be disqualified if Contractor Registration Number is not included in Attachment A, as applicable. Applicant is alerted to changes to California Prevailing Wage compliance requirements as defined in Senate Bill 854 (Stat. 2014, Chapter 28).

Applications deemed compliant will be forwarded to the MSRC Technical Advisory Committee (MSRC-TAC) for review and concurrence with staff's recommendation. Applications recommended for approval by the MSRC-TAC will be forwarded to the MSRC for approval (applicants may be asked to provide an updated Campaign Contributions Disclosure form at this time). Applications recommended for funding by the MSRC will be forwarded to the SCAQMD Governing Board for final approval.

Upon receipt of Governing Board approval, the MSRC staff will prepare a contract for execution by the applicant. The time period from SCAQMD Governing Board approval to contract execution is anticipated to be approximately one hundred twenty (120) days.

## SECTION 8 - PROPOSAL ATTACHMENTS

### Attachment A: PROPOSAL SUMMARY INFORMATION

A. Please provide the following Proposer information in the space provided:

Business Name	
Division of:	
Subsidiary of:	
Website Address	
Type of Business <i>Check One:</i>	<input type="checkbox"/> Individual <input type="checkbox"/> DBA, Name _____, County Filed in _____ <input type="checkbox"/> Corporation, ID No. _____ <input type="checkbox"/> LLC/LLP, ID No. _____ <input type="checkbox"/> Other _____
Contractor Registration Number (required for Public Works projects)	

Address			
City/Town			
State/Province		Zip	
Phone	(     )     -     Ext	Fax	(     )     -
Contact		Title	
E-mail Address			
Payment Name if Different			

B. Funding Request Summary:

MSRC Clean Transportation Funding™ Requested:	\$ _____
Existing or Anticipated SCAQMD Funding Applied to Project:	\$ _____
Other Co-Funding Applied to Project:	\$ _____
<b>Total Project Cost:</b>	<b>\$ _____</b>

## Attachment B: PROJECT DESCRIPTION & TECHNICAL SPECIFICATIONS

Please provide the following information regarding the proposed alternative fuel refueling facility:

1. Proposed Location – Please provide the street address of the proposed facility:
2. Project Type (please check the appropriate box(s)):
  - ☐ New Station
  - ☐ Expansion of Existing, Operational Station
  - ☐ Modification of Existing Vehicle Maintenance Facility
3. The proposed new/upgraded refueling station will be (please check the appropriate box):
  - ☐ Full Public Access (open to any user 24 hours per day, 7 days per week; equipped with universal card reader, and minimum dispensing capacity of 3 GGE per minute)
  - ☐ Limited Access (does not meet criteria of Full Public Access. Applicant attests their willingness to make the station available to at least one other fleet)
4. Fuel Type(s) – please check the appropriate box specifying the alternative fuel(s) proposed for the station:
  - ☐ CNG
  - ☐ LNG
  - ☐ L/CNG
5. Site Owner – Owner of the real property upon which the station will be constructed:
6. Station Operator – Entity that will operate and maintain the refueling facility:
7. Infrastructure Vendor/Installation Contractor – Name of equipment vendor(s) and installation contractor(s), if known:
8. Fuel Provider – Name of fuel vendor:
9. Refueling Infrastructure Description/Technical Specification. Please respond to a. or b. below, as appropriate:
  - a. New Refueling Facility - Description must include, at a minimum:
    - i. Site plan illustrating the proposed station's location on the property, including at a minimum the adjacent streets, entrance and exit locations, locations of dispenser islands, canopies, fuel storage tanks, compressors, walls and/or spill containment areas as appropriate;
    - ii. Technical Specification, including a complete listing of all station equipment, hardware, and components, including component manufacturer and model number if known. In addition, the specification must provide minimum fuel storage capacities, compression and dispenser ratings, as well as number, make, and model of dispensers and card readers, etc. if known;

- iii. Description of other project elements, including site amenities such as private access/public access islands, card reader payment options, overhead canopies, signage, traffic circulation plan, landscaping, fencing, security lighting, etc.
- b. Expansion of Existing Refueling Facility – description must include, at a minimum:
  - i. a description of the site location, existing fuel type and storage capacity, number of existing fuel dispensers, level of accessibility (private access, limited fleet access, etc.), current station utilization, including average monthly fuel throughput, numbers and types of vehicles that typically utilize station, etc.
  - ii. Please discuss the proposed station expansion and/or upgrades: Provide a detailed description of the proposed upgrade and/or expansion project. Include a technical description of the station in its modified or expanded configuration. Discuss, at a minimum, how the proposed upgrades/expansion will impact the station's ability to remain operational and accessible, the strategic importance of the expanded and/or upgraded station, and the number, types, and sizes of vehicles the station will accommodate in its expanded and/or upgraded configuration.
  - iii. Please describe the funding requirements for implementing the proposed refueling station expansion and/or upgrades, including the need for MSRC funding assistance: Discuss co-funding commitments offered by the Proposer or other station stakeholders. Describe other funding sources currently being pursued to support station upgrades/expansion. Discuss any unique financial constraints that impact the Proposer's ability to perform station upgrades and/or expansion.
- c. Maintenance Facility Modifications – Please provide a technical description of the proposed facility modifications, including the facility location, a detailed description of the facility and its use, a detailed listing of equipment, hardware, and components to be procured, including equipment vendor and model if known. In addition, please provide the number and types of vehicles the facility will accommodate in its modified configuration.

**Attachment C: COST BREAKDOWN:** Please provide a detailed cost breakdown of the proposed project. Please note that MSRC Clean Transportation Funding™ is intended to help offset the cost of station capital equipment, site construction, signage, and reasonable project management costs, and cannot be applied to real property purchases, operations and maintenance costs, or labor and administrative costs deemed excessive. The MSRC reserves the right to exclude cost elements deemed unallowable, as well as award funding in an amount less than the requested amount.

Site Improvements, including fencing, driveways, curbing, landscaping, lighting, other construction, etc. Please itemize site improvement costs below:	
	\$
	\$
	\$
	\$
<b>Refueling Station Capital Equipment</b>	
Compressors	\$
Dryers	\$
Storage Vessels	\$
Dispensers	\$
Card Readers	\$
Signage (mandatory – see Section 2 paragraph 5)	\$
Other (Canopy, etc. Please specify)	\$
Shipping & Delivery Charges	\$
Installation	\$
Taxes	\$
Project Management	\$
<b>Facility Modifications to Existing Maintenance Facilities</b>	
	\$
	\$
	\$
<b>Total Project Cost Estimate</b>	\$
<b>MSRC FUNDING REQUEST</b>	\$

Please note that the total of the MSRC funding award cannot exceed 50% of the Total Project Cost up to the maximum funding levels shown in Table 3-1.

## Attachment D: PROJECT IMPLEMENTATION SCHEDULE

Please provide, either in the space outlined below or separate attached sheet, a Milestone Schedule for your proposed alternative fuel station project. Please note that this information will become an element of any contract resulting from a potential award of MSRC Clean Transportation Funding™.

Please endeavor to make your Milestone Schedule as accurate as possible. Please note that extensions to the project period of performance are not guaranteed. Attach additional sheets as necessary.

<i>PROJECT MILESTONE</i>	<i>START DATE</i>	<i>COMPLETION</i>
<i>Example: Task 1 – Order equipment</i>	<i>Authority to Proceed (ATP) + one month</i>	<i>ATP + 3 months</i>



**Attachment E: MEMORANDUM OF UNDERSTANDING BETWEEN CONTRACTOR AND HOST SITE**

For projects seeking MSRC Clean Transportation Funding™ for construction of alternative fuel refueling stations, a fully executed Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) must be submitted as an element of the application package. **Please note that an MOU/MOA is NOT REQUIRED if the project applicant is the Site or Facility Owner.**

The MOU/MOA must be provided at the time of Application submittal and must contain the following essential elements, at a minimum:

- The parties to the MOU/MOA, including the fuel provider and/or facility developer and the site owner;
- The term of the MOU/MOA;
- The specific location of the refueling station to be constructed;
- Anticipated date of infrastructure construction;
- Anticipated date of infrastructure completion and start of operation;
- Executed signatures by individuals authorized on behalf of the parties to the MOU/MOA.

## **Attachment F: STATION UTILIZATION ESTIMATES**

Applicants are required to demonstrate that the proposed station will have an adequate usage level to ensure the station remains operational for the required five-year period, as follows:

- Identify at least one anchor fleet which has committed to use the station on a regular basis. Please provide contact information for the anchor fleet. Please note that MSRC members or staff may contact any and all references provided in relation to station utilization commitment.
- Provide an estimate of the estimated annual station fuel throughput, and/or describe the number and types of alternative fuel vehicles expected to utilize the station immediately upon completion.
- Please attach letters of commitment between the applicant and fleets or other station users that commit to use the alternative fuel station for vehicle refueling.

Please be aware that any contract resulting from an award of MSRC **Clean Transportation Funding™** will include fuel throughput obligations, based on the estimates in the application, as an enforceable element of the contract. Therefore, it is strongly recommended that Proposers present station utilization estimates that are as accurate as possible and based on firm station utilization commitments!

**Attachment G: FEDERAL TAX CREDIT ACCOUNTING**

*Please note that this Attachment only pertains to commercial business entities. Public agencies are not required to complete Attachment G.*

The MSRC is aware that Federal Tax Credits may be available to help defray the cost of CNG and LNG station construction and fuel purchase. It is important to the MSRC that stations funded using public money demonstrate that the benefits of these funds are enjoyed broadly, especially as it pertains to the price of alternative fuel paid by the end user.

Thus, in the event that the tax credits are extended, the MSRC requires that prior to any award of **Clean Transportation Funding™** to commercial business applicants whose primary business is the construction of refueling stations and/or sale of alternative fuel, the applicant must disclose in writing if they:

- a) Are or are not eligible to receive Federal Tax Credit(s), and if they are;
- b) How the Tax Credit(s) is factored into the cost of station construction and the pricing of alternative fuel dispensed at the proposed refueling station.

This discussion should be labeled “Attachment G” and be included in the Application package at the time of submittal. Please note that Applications submitted by affected entities that fail to include Attachment G will be deemed incomplete and returned for corrective action.

# Attachment H: CERTIFICATIONS

<p><b>Form W-9</b> (Rev. December 2014) Department of the Treasury Internal Revenue Service</p>	<p><b>Request for Taxpayer Identification Number and Certification</b></p>	<p><b>Give Form to the requester. Do not send to the IRS.</b></p>
---	--	---

Print or type See Specific Instructions on page 2.	<b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	<b>2</b> Business name/disregarded entity name, if different from above	
	<b>3</b> Check appropriate box for federal tax classification; check only <b>one</b> of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	<b>5</b> Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	<b>6</b> City, state, and ZIP code	
<b>7</b> List account number(s) here (optional)		

<b>Part I Taxpayer Identification Number (TIN)</b>	
Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.	
<b>Social security number</b> <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>	<b>OR</b> <b>Employer identification number</b> <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>
<b>Note.</b> If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.	

<b>Part II Certification</b>			
Under penalties of perjury, I certify that:			
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and			
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and			
3. I am a U.S. citizen or other U.S. person (defined below); and			
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.			
<b>Certification instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.			
<b>Sign Here</b>	<table style="width: 100%;"> <tr> <td style="width: 60%;">Signature of U.S. person ▶</td> <td style="width: 40%;">Date ▶</td> </tr> </table>	Signature of U.S. person ▶	Date ▶
Signature of U.S. person ▶	Date ▶		

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

**Note.** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

## What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note. ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.



**Line 2**

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

**Line 3**

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

**Limited Liability Company (LLC).** If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

**Line 4, Exemptions**

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

**Exempt payee code.**

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note.** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

**Line 5**

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

**Line 6**

Enter your city, state, and ZIP code.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

**Part II. Certification**

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN or:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>1</sup>  The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN or:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

**Note.** Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records from Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

**Privacy Act Notice**

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



YEAR

CALIFORNIA FORM

# 2015 Withholding Exemption Certificate

590

The payee completes this form and submits it to the withholding agent.

**Withholding Agent** (Type or print)

Name

**Payee**

Name

☐ SSN or ITIN ☐ FEIN ☐ CA Corp no. ☐ CA SOS file no.

Address (apt./ste., room, PO Box, or PMB no.)

City (If you have a foreign address, see instructions.)

State

ZIP Code

## Exemption Reason

Check only one reason box below that applies to the payee.

By checking the appropriate box below, the Payee certifies the reason for the exemption from the California income tax withholding requirements on payment(s) made to the entity or individual.

☐ **Individuals — Certification of Residency:**

I am a resident of California and I reside at the address shown above. If I become a nonresident at any time, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.

☐ **Corporations:**

The corporation has a permanent place of business in California at the address shown above or is qualified through the California Secretary of State (SOS) to do business in California. The corporation will file a California tax return. If this corporation ceases to have a permanent place of business in California or ceases to do any of the above, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.

☐ **Partnerships or Limited Liability Companies (LLCs):**

The partnership or LLC has a permanent place of business in California at the address shown above or is registered with the California SOS, and is subject to the laws of California. The partnership or LLC will file a California tax return. If the partnership or LLC ceases to do any of the above, I will promptly inform the withholding agent. For withholding purposes, a limited liability partnership (LLP) is treated like any other partnership.

☐ **Tax-Exempt Entities:**

The entity is exempt from tax under California Revenue and Taxation Code (R&TC) Section 23701 \_\_\_\_\_ (insert letter) or Internal Revenue Code Section 501(c) \_\_\_\_\_ (insert number). If this entity ceases to be exempt from tax, I will promptly notify the withholding agent. Individuals cannot be tax-exempt entities.

☐ **Insurance Companies, Individual Retirement Arrangements (IRAs), or Qualified Pension/Profit Sharing Plans:**

The entity is an insurance company, IRA, or a federally qualified pension or profit-sharing plan.

☐ **California Trusts:**

At least one trustee and one noncontingent beneficiary of the above-named trust is a California resident. The trust will file a California fiduciary tax return. If the trustee or noncontingent beneficiary becomes a nonresident at any time, I will promptly notify the withholding agent.

☐ **Estates — Certification of Residency of Deceased Person:**

I am the executor of the above-named person's estate or trust. The decedent was a California resident at the time of death. The estate will file a California fiduciary tax return.

☐ **Nonmilitary Spouse of a Military Servicemember:**

I am a nonmilitary spouse of a military servicemember and I meet the Military Spouse Residency Relief Act (MSRRA) requirements. See instructions for General Information E, MSRRA.

**CERTIFICATE OF PAYEE:** Payee must complete and sign below.

Under penalties of perjury, I hereby certify that the information provided in this document is, to the best of my knowledge, true and correct. If conditions change, I will promptly notify the withholding agent.

Payee's name and title (type or print) \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_

Payee's signature ► \_\_\_\_\_ Date \_\_\_\_\_



# 2015 Instructions for Form 590

## Withholding Exemption Certificate

References in these instructions are to the California Revenue and Taxation Code (R&TC).

### General Information

**Registered Domestic Partners (RDP)** – For purposes of California income tax, references to a spouse, husband, or wife also refer to a Registered Domestic Partner (RDP) unless otherwise specified. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

### A Purpose

Use Form 590, Withholding Exemption Certificate, to certify an exemption from nonresident withholding.

Form 590 does not apply to payments of backup withholding. For information on California backup withholding, go to [ftb.ca.gov](http://ftb.ca.gov) and search for **backup withholding**.

Form 590 does not apply to payments for wages to employees. Wage withholding is administered by the California Employment Development Department (EDD). For more information, go to [edd.ca.gov](http://edd.ca.gov) or call 888.745.3886.

**Do not** use Form 590 to certify an exemption from withholding if you are a **Seller of California real estate**. Sellers of California real estate use Form 593-C, Real Estate Withholding Certificate, to claim an exemption from real estate withholding.

**The following are excluded from withholding and completing this form:**

- The United States and any of its agencies or instrumentalities.
- A state, a possession of the United States, the District of Columbia, or any of its political subdivisions or instrumentalities.
- A foreign government or any of its political subdivisions, agencies, or instrumentalities.

### B Income Subject to Withholding

California Revenue and Taxation Code (R&TC) Section 18662 requires withholding of income or franchise tax on payments of California source income made to nonresidents of California.

Withholding is required on the following, but is not limited to:

- Payments to nonresidents for services rendered in California.
- Distributions of California source income made to domestic nonresident partners, members, and S corporation shareholders and allocations of California source income made to foreign partners and members.
- Payments to nonresidents for rents if the payments are made in the course of the withholding agent's business.

- Payments to nonresidents for royalties from activities sourced to California.
- Distributions of California source income to nonresident beneficiaries from an estate or trust.
- Endorsement payments received for services performed in California.
- Prizes and winnings received by nonresidents for contests in California.

However, withholding is optional if the total payments of California source income are \$1,500 or less during the calendar year.

For more information on withholding get FTB Pub. 1017, Resident and Nonresident Withholding Guidelines. To get a withholding publication, see Additional Information.

### C Who Certifies this Form

Form 590 is certified by the payee. California residents or entities exempt from the withholding requirement should complete Form 590 and submit it to the withholding agent before payment is made. The withholding agent is then relieved of the withholding requirements if the agent relies in good faith on a completed and signed Form 590 unless notified by the Franchise Tax Board (FTB) that the form should not be relied upon.

An incomplete certificate is invalid and the withholding agent should not accept it. If the withholding agent receives an incomplete certificate, the withholding agent is required to withhold tax on payments made to the payee until a valid certificate is received. In lieu of a completed certificate on the preprinted form, the withholding agent may accept as a substitute certificate a letter from the payee explaining why the payee is not subject to withholding. The letter must contain all the information required on the certificate in similar language, including the under penalty of perjury statement and the payee's taxpayer identification number. The withholding agent must retain a copy of the certificate or substitute for at least four years after the last payment to which the certificate applies, and provide it upon request to the FTB.

For example, if an entertainer (or the entertainer's business entity) is paid for a performance, the entertainer's information must be provided. **Do not** submit the entertainer's agent or promoter information.

The grantor of a grantor trust shall be treated as the payee for withholding purposes. Therefore, if the payee is a grantor trust and one or more of the grantors is a nonresident, withholding is required. If all of the grantors on the trust are residents, no withholding is required. Resident grantors can check the box on Form 590 labeled "Individuals — Certification of Residency."

### D Definitions

For California non-wage withholding purposes, **nonresident** includes all of the following:

- Individuals who are not residents of California.
- Corporations not qualified through the California Secretary of State (CA SOS) to do business in California or having no permanent place of business in California.
- Partnerships or limited liability companies (LLCs) with no permanent place of business in California.
- Any trust without a resident grantor, beneficiary, or trustee, or estates where the decedent was not a California resident.

Foreign refers to non-U.S.

For more information about determining resident status, get FTB Pub. 1031, Guidelines for Determining Resident Status. Military servicemembers have special rules for residency. For more information, get FTB Pub. 1032, Tax Information for Military Personnel.

#### Permanent Place of Business:

A corporation has a permanent place of business in California if it is organized and existing under the laws of California or if it is a foreign corporation qualified to transact intrastate business by the CA SOS. A corporation that has not qualified to transact intrastate business (e.g., a corporation engaged exclusively in interstate commerce) will be considered as having a permanent place of business in California only if it maintains a permanent office in California that is permanently staffed by its employees.

### E Military Spouse Residency Relief Act (MSRRA)

Generally, for tax purposes you are considered to maintain your existing residence or domicile. If a military servicemember and nonmilitary spouse have the same state of domicile, the MSRRA provides:

- A spouse shall not be deemed to have lost a residence or domicile in any state solely by reason of being absent to be with the servicemember serving in compliance with military orders.
- A spouse shall not be deemed to have acquired a residence or domicile in any other state solely by reason of being there to be with the servicemember serving in compliance with military orders.

**Domicile** is defined as the one place:

- Where you maintain a true, fixed, and permanent home.
- To which you intend to return whenever you are absent.

A military servicemember's nonmilitary spouse is considered a nonresident for tax purposes if the servicemember and spouse have the same domicile outside of California and the spouse is in California solely to be with the servicemember who is serving in compliance with Permanent Change of Station orders.

California may require nonmilitary spouses of military servicemembers to provide proof that they meet the criteria for California personal income tax exemption as set forth in the MSRRA.

Income of a military servicemember's nonmilitary spouse for services performed in California is not California source income subject to state tax if the spouse is in California to be with the servicemember serving in compliance with military orders, and the servicemember and spouse have the same domicile in a state other than California.

For additional information or assistance in determining whether the applicant meets the MSRRA requirements, get FTB Pub. 1032.

## Specific Instructions

### Payee Instructions

Enter the withholding agent's name.

Enter the payee's information, including the taxpayer identification number (TIN) and check the appropriate TIN box.

You must provide an acceptable TIN as requested on this form. The following are acceptable TINs: social security number (SSN); individual taxpayer identification number (ITIN); federal employer identification number (FEIN); California corporation number (CA Corp no.); or CA SOS file number.

**Private Mail Box (PMB)** – Include the PMB in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

**Foreign Address** – Enter the information in the following order: City, Country, Province/Region, and Postal Code. Follow the country's practice for entering the postal code. **Do not** abbreviate the country's name.

Check the box that reflects the reason why the payee is exempt from the California income tax withholding requirement.

### Withholding Agent Instructions

Keep Form 590 for your records. **Do not** send this form to the FTB unless it has been specifically requested.

For more information, contact Withholding Services and Compliance, see Additional Information.

The payee must notify the withholding agent if any of the following situations occur:

- The individual payee becomes a nonresident.
- The corporation ceases to have a permanent place of business in California or ceases to be qualified to do business in California.
- The partnership ceases to have a permanent place of business in California.
- The LLC ceases to have a permanent place of business in California.
- The tax-exempt entity loses its tax-exempt status.

If any of these situations occur, then withholding may be required. For more information, get Form 592, Resident and Nonresident Withholding Statement, Form 592-B, Resident and Nonresident Withholding Tax Statement, and Form 592-V, Payment Voucher for Resident and Nonresident Withholding.

## Additional Information

For additional information or to speak to a representative regarding this form, call the Withholding Services and Compliance telephone service at:

Telephone: **888.792.4900**  
916.845.4900

Fax: 916.845.9512

OR write to:

WITHHOLDING SERVICES AND  
COMPLIANCE MS F182  
FRANCHISE TAX BOARD  
PO BOX 942867  
SACRAMENTO CA 94267-0651

You can download, view, and print California tax forms and publications at [ftb.ca.gov](http://ftb.ca.gov).

OR to get forms by mail write to:

TAX FORMS REQUEST UNIT  
FRANCHISE TAX BOARD  
PO BOX 307  
RANCHO CORDOVA CA 95741-0307

For all other questions unrelated to withholding or to access the TTY/TDD numbers, see the information below.

### Internet and Telephone Assistance

Website: [ftb.ca.gov](http://ftb.ca.gov)

Telephone: 800.852.5711 from within the  
United States  
916.845.6500 from outside the  
United States

TTY/TDD: 800.822.6268 for persons with  
hearing or speech impairments

### Asistencia Por Internet y Teléfono

Sitio web: [ftb.ca.gov](http://ftb.ca.gov)

Teléfono: 800.852.5711 dentro de los  
Estados Unidos  
916.845.6500 fuera de los Estados  
Unidos

TTY/TDD: 800.822.6268 para personas con  
discapacidades auditivas  
o del habla

## DISADVANTAGED BUSINESS CERTIFICATION

Federal guidance for utilization of disadvantaged business enterprises allows a vendor to be deemed a small business enterprise (SBE), minority business enterprise (MBE) or women business enterprise (WBE) if it meets the criteria below.

- is certified by the Small Business Administration or
- is certified by a state or federal agency or
- is an independent MBE(s) or WBE(s) business concern which is at least 51 percent owned and controlled by minority group member(s) who are citizens of the United States.

### Statements of certification:

As a prime contractor to the SCAQMD, \_\_\_\_\_ (name of business) will engage in good faith efforts to achieve the fair share in accordance with 40 CFR Section 33.301, and will follow the six affirmative steps listed below **for contracts or purchase orders funded in whole or in part by federal grants and contracts.**

1. Place qualified SBEs, MBEs, and WBEs on solicitation lists.
2. Assure that SBEs, MBEs, and WBEs are solicited whenever possible.
3. When economically feasible, divide total requirements into small tasks or quantities to permit greater participation by SBEs, MBEs, and WBEs.
4. Establish delivery schedules, if possible, to encourage participation by SBEs, MBEs, and WBEs.
5. Use services of Small Business Administration, Minority Business Development Agency of the Department of Commerce, and/or any agency authorized as a clearinghouse for SBEs, MBEs, and WBEs.
6. If subcontracts are to be let, take the above affirmative steps.

### **Self-Certification Verification: Also for use in awarding additional points, as applicable, in accordance with SCAQMD Procurement Policy and Procedure:**

Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> Small Business Enterprise/Small Business Joint Venture | <input type="checkbox"/> Women-owned Business Enterprise                               |
| <input type="checkbox"/> Local business   | <input type="checkbox"/> Disabled Veteran-owned Business Enterprise/DVBE Joint Venture |
| <input type="checkbox"/> Minority-owned Business Enterprise                     |  |

Percent of ownership: \_\_\_\_\_ %

Name of Qualifying Owner(s): \_\_\_\_\_

**State of California Public Works Contractor Registration No. \_\_\_\_\_ MUST BE INCLUDED IF BID PROPOSAL IS FOR PUBLIC WORKS PROJECT, AS APPLICABLE.**

I, the undersigned, hereby declare that to the best of my knowledge the above information is accurate. Upon penalty of perjury, I certify information submitted is factual.

\_\_\_\_\_  
**A. NAME**

\_\_\_\_\_  
**TITLE**

\_\_\_\_\_  
**B. TELEPHONE NUMBER**

\_\_\_\_\_  
**DATE**

## **Definitions**

**Disabled Veteran-Owned Business Enterprise** means a business that meets all of the following criteria:

- is a sole proprietorship or partnership of which is at least 51 percent owned by one or more disabled veterans, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more disabled veterans; a subsidiary which is wholly owned by a parent corporation but only if at least 51 percent of the voting stock of the parent corporation is owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture's management and control and earnings are held by one or more disabled veterans.
- the management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.
- is a sole proprietorship, corporation, partnership, or joint venture with its primary headquarters office located in the United States and which is not a branch or subsidiary of a foreign corporation, firm, or other foreign-based business.

**Joint Venture** means that one party to the joint venture is a DVBE and owns at least 51 percent of the joint venture. In the case of a joint venture formed for a single project this means that DVBE will receive at least 51 percent of the project dollars.

**Local Business** means a business that meets all of the following criteria:

- has an ongoing business within the boundary of the SCAQMD at the time of bid application.
- performs 90 percent of the work within SCAQMD's jurisdiction.

**Minority-Owned Business Enterprise** means a business that meets all of the following criteria:

- is at least 51 percent owned by one or more minority persons or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority persons.
- is a business whose management and daily business operations are controlled or owned by one or more minority person.
- is a business which is a sole proprietorship, corporation, partnership, joint venture, an association, or a cooperative with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign business.

“Minority” person means a Black American, Hispanic American, Native American (including American Indian, Eskimo, Aleut, and Native Hawaiian), Asian-Indian American (including a person whose origins are from India, Pakistan, or Bangladesh), Asian-Pacific American (including a person whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, or Taiwan).

**Small Business Enterprise** means a business that meets the following criteria:

- a. 1) an independently owned and operated business; 2) not dominant in its field of operation; 3) together with affiliates is either:
  - A service, construction, or non-manufacturer with 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or
  - A manufacturer with 100 or fewer employees.
- b. Manufacturer means a business that is both of the following:
  - 1) Primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products.
  - 2) Classified between Codes 311000 to 339000, inclusive, of the North American Industrial Classification System (NAICS) Manual published by the United States Office of Management and Budget, 2007 edition.

**Small Business Joint Venture** means that one party to the joint venture is a Small Business and owns at least 51 percent of the joint venture. In the case of a joint venture formed for a single project this means that the Small Business will receive at least 51 percent of the project dollars.

**Women-Owned Business Enterprise** means a business that meets all of the following criteria:

- is at least 51 percent owned by one or more women or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more women.
- is a business whose management and daily business operations are controlled or owned by one or more women.
- is a business which is a sole proprietorship, corporation, partnership, or a joint venture, with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign business.



## CAMPAIGN CONTRIBUTIONS DISCLOSURE

In accordance with California law, bidders and contracting parties are required to disclose, at the time the application is filed, information relating to any campaign contributions made to Board Members or members/alternates of the MSRC, including: the name of the party making the contribution (which includes any parent, subsidiary or otherwise related business entity, as defined below), the amount of the contribution, and the date the contribution was made. 2 C.C.R. §18438.8(b).

California law prohibits a party, or an agent, from making campaign contributions to SCAQMD Governing Board Members or members/alternates of the Mobile Source Air Pollution Reduction Review Committee (MSRC) of more than \$250 while their contract or permit is pending before the SCAQMD; and further prohibits a campaign contribution from being made for three (3) months following the date of the final decision by the Governing Board or the MSRC on a donor's contract or permit. Gov't Code §84308(d). For purposes of reaching the \$250 limit, the campaign contributions of the bidder or contractor plus contributions by its parents, affiliates, and related companies of the contractor or bidder are added together. 2 C.C.R. §18438.5.

In addition, Board Members or members/alternates of the MSRC must abstain from voting on a contract or permit if they have received a campaign contribution from a party or participant to the proceeding, or agent, totaling more than \$250 in the 12-month period prior to the consideration of the item by the Governing Board or the MSRC. Gov't Code §84308(c).

The list of current SCAQMD Governing Board Members can be found at the SCAQMD website ([www.aqmd.gov](http://www.aqmd.gov)). The list of current MSRC members/alternates can be found at the MSRC website (<http://www.cleantransportationfunding.org>).

### **SECTION I.**

**Contractor (Legal Name):** \_\_\_\_\_

- ☐ DBA, Name \_\_\_\_\_, County Filed in \_\_\_\_\_

☐ Corporation, ID No. \_\_\_\_\_

☐ LLC/LLP, ID No. \_\_\_\_\_

**List any parent, subsidiaries, or otherwise affiliated business entities of Contractor:**  
*(See definition below).*

---

---

### **SECTION II.**

Has Contractor and/or any parent, subsidiary, or affiliated company, or agent thereof, made a campaign contribution(s) totaling \$250 or more in the aggregate to a current member of the South Coast Air Quality Management Governing Board or member/alternate of the MSRC in the 12 months preceding the date of execution of this disclosure?

☐ Yes    ☐ No    **If YES, complete Section II below and then sign and date the form.  
If NO, sign and date below. Include this form with your submittal.**

**Campaign Contributions Disclosure, *continued*:**

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

**I declare the foregoing disclosures to be true and correct.**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## DEFINITIONS

### **Parent, Subsidiary, or Otherwise Related Business Entity (2 Cal. Code of Regs., §18703.1(d).)**

- (1) Parent subsidiary.** A parent subsidiary relationship exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.
- (2) Otherwise related business entity.** Business entities, including corporations, partnerships, joint ventures and any other organizations and enterprises operated for profit, which do not have a parent subsidiary relationship are otherwise related if any one of the following three tests is met:
  - (A) One business entity has a controlling ownership interest in the other business entity.**
  - (B) There is shared management and control between the entities. In determining whether there is shared management and control, consideration should be given to the following factors:**
    - (i) The same person or substantially the same person owns and manages the two entities;**
    - (ii) There are common or commingled funds or assets;**
    - (iii) The business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis;**
    - (iv) There is otherwise a regular and close working relationship between the entities; or**
  - (C) A controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.**